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11 **Attorney for Plaintiffs, DAVID J. LEE**

12 **UNITED STATES DISTRICT COURT**
13
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15

16 **DAVID J. LEE, as individuals and, on**
17 **behalf of others similarly situated,**

18 **Plaintiffs,**

19 **vs.**

20 **CAPITAL ONE BANK and CAPITAL**
21 **ONE SERVICES, INC. Virginia**
22 **corporations, and DOES 1, through 100,**
23 **inclusive,**

24 **Defendants.**
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Case No.: C 07-4732 MJJ

[PROPOSED] ORDER RE:
REQUEST FOR JUDICIAL NOTICE

ORDER

After considering the written submissions of counsel, and all other matters presented to the Court, relative to the request for judicial notice, pursuant to Fed.R.Evid. 201, filed by Plaintiffs, David J. Lee, and Daniel R. Lloyd, IT IS HEREBY ORDERED that:

Plaintiffs' Motion is GRANTED, and that Court shall take judicial notice of the following: (1) the Complaint filed in Lee v. American Express Travel Related Services Company, Inc., docket number C-07-4765 (CRB) (N.D. Cal. Sept. 9, 2007); (2) the hearing transcript relative to the Defendants' motion to dismiss in Lee v. American Express Travel Related Services Company, Inc. argued before Judge Charles H. Breyer on Friday, November 30th 2007; (3) Plaintiff's Notice of Appeal filed in Lee v. American Express Travel Related Services Company, Inc., docket number C-07-4765 (CRB) (N.D. Cal. Sept. 9, 2007); (4) a copy of a screen from Capital One's official web site entitled "Capital One ® Platinum Credit Cards 'disclosure'" that can be found at the following URL: http://www.capitalone.com/creditcards/products/10279/14/index.php?linkid=WWW_Z_Z_tg04a_CCOMP_C1_01_T_CP27914; and (5) a copy of a screen from Capital One's official web site entitled "Platinum MasterCard ® Cardholder Benefits" that can be found at the following URL: http://www.capitalone.com/creditcards/pdfs/MC_Platinum.pdf?linkid=WWW_Z_Z_v1_CP_27914_C1_03_T_BGUIMC.

DATED: January ___, 2008

By: _____
Hon. Marilyn H. Patel
Judge U.S. District Court
Northern Dist. California